REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Claim 13 has been amended. No claims have been canceled. Thus, claims 1, 3-5, 7-9, and 11-16 are pending.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 13-16

Claims 13-16 stand rejected as being unpatentable over International Publication No. WO 97/04394 to Drake, ("Drake") in view of US Patent No. 5,495,612 to Hirayama, et al. ("Hirayama"). Applicants respectfully argue that Drake and Hirayama, individually or in combination, do not teach or suggest each and every limitation of claim 13.

Claim 13 recites a "first instruction comprising a target address, the first instruction to invoke a function or procedure, and the first instruction comprising more bytes than the second instruction." The Examiner has equated Drake's "Part B, 94" to the first instruction, as claimed. Drake discloses that Part B, 94 is a code having a greater magnitude than the size of netsafe 1 code 104. (Drake, p. 16, lines 23-25). Drake is silent about and does not teach or suggest that Part B, 94 has a target address, as claimed.

Claim 13 recites "transfer[ring] control to a software test module when a second instruction ... is executed," the "test module to locate the target address in the table and to transfer control to the target address if the test result indicates the instructions are to proceed." The test module includes "a table comprising the target address of the replaced first instruction."

The Examiner has equated Drake's "Netsafe 1 code 104" to the software test module, as claimed. Drake discloses that Netsafe 1 code 104 contains code to perform functions including decrypting encrypted areas, replacing potentially insecure routines, disable interrupts, etc. (Drake, p. 17, line 24 to p. 18, line 18). However, as acknowledged by the Examiner, the Netsafe 1 code 104 does not include a table comprising the target address of the replaced first instruction. (Office Action dated 12/21/05, p. 3).

Further, Applicants respectfully submit that the Netsafe 1 code 104 does not locate the target address of the first instruction in the table and does not transfer control to the target address if the test result indicates the instructions are to proceed. The Examiner states that "control passes to the original start address of the executable program after the decryption process following the success of the security checks of netsafe1." (Office Action dated 12/21/05, p. 3).

Drake discloses:

> Upon execution of the new.exe 30 executable 30, the executable starts at the start of netsafe 1, area 104 (Fig. 11).... The netsafe 1, area 104 then performs the following steps (A1) to (A10).... [At step] (A10) Control is then passed to netsafe 2, area 113. The code area netsafe 2, 113 then performs the following steps (B1) to (B4)....

(Drake, p. 17, line 28 to p. 18, line 28).

Thus, Drake discloses control passes to the code area netsafe 2, 113, and not to the original start address of the executable program, as stated by the Examiner. Thus, Drake does not teach or suggest that Netsafe 1 code 104 locates the target address of the first instruction in the table and transfers control to the target address if the test result indicates the instructions are to proceed.

Hirayama does not supply the missing limitations. Hirayama discloses a reference table that stores entry points of old-version subroutines and new-version subroutines. (Hirayama, Abstract). Hirayama discloses that when the old-version subroutines are called after the new-version subroutines are loaded in the memory, the new-version subroutines are called by executing a control transfer process. (Hirayama, Abstract). Hirayama does not teach or suggest transferring control target address of the first instruction, which has been replaced with the second instruction.

Thus, neither Drake nor Hirayama teaches or suggests each and every limitation of claim 13. Therefore, any combination of Hirayama and Drake can not produce or even suggest all of the limitations of the present invention, as set forth in claim 13, nor suggest the claimed invention as a whole. Consequently, claim 13 and associated dependent claims are allowable over the cited art.

Claims 1, 3-5, 7-9 and 11-12

Claims 1, 3-5, 7-9 and 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drake in view of Hirayama and further in view of US Patent No. 5,966,541 to Agarwal ("Agarwal").

Independent claims 1, 5, and 9 include the limitation, or a limitation similar thereto, of:

> the test module to... set an execution address to the target address if test results indicates the instructions are to proceed.

As discussed above, Drake and Hirayama, either individually or in combination, do not teach or suggest this limitation. Applicants respectfully submit that Agarwal does not supply the missing limitation.

Agarwal discusses a method for repairing or testing a program by implementing converting code that operates on variables that can suffer a mismatch into code that correctly accounts for or tests for the mismatch. (Agarwal, Abstract). Agarwal does not teach or suggest transferring control target address of the first instruction, which has been replaced with the second instruction.

Therefore, in view of independent claims 1, 5 and 9 including limitations that are not disclosed nor suggested by Drake, Hirayama or Agarwal, either individually or in combination, independent claims 1, 5 and 9 are not rendered obvious by the cited references. In addition, the remaining claims depend from one of the independent claims as discussed above, and therefore include similar limitations, and as a result are also not rendered obvious by the cited references.

SUMMARY

Claims 1, 3-5, 7-9, and 11-16 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Tom Ferrill at (408) 720-8300.
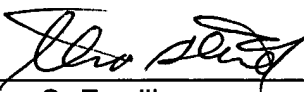
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for

any charges that may be due. Furthermore, if an extension is required, then

Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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